

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, and SANDRA McCOLLUM, individually, and STEPHANIE KINGREY, individually and as independent administrator of the Estate of LARRY GENE McCOLLUM,

PLAINTIFFS §

V.

BRAD LIVINGSTON, JEFF PRINGLE, §
 RICHARD CLARK, KAREN TATE, §
 SANDREA SANDERS, ROBERT EASON, the §
 UNIVERSITY OF TEXAS MEDICAL §
 BRANCH and the TEXAS DEPARTMENT OF §
 CRIMINAL JUSTICE. §

DEFENDANTS §

CIVIL ACTION NO.
3:12-cv-02037
JURY DEMAND

**PLAINTIFFS' SUPPLEMENTATION OF EVIDENCE IN SUPPORT OF
PLAINTIFFS' MOTION FOR SANCTIONS; REQUEST FOR SHOW CAUSE
ORDER; AND MOTION TO COMPEL AGAINST DEFENDANT UTMB**

Plaintiffs filed their reply brief in support of their *Motion for Sanctions; Request for Show Cause Order; and Motion to Compel* as to UTMB on June 2. In that brief, Plaintiffs discussed a 30(b)(6) deposition that took place on May 30 by order of this Court. Plaintiffs indicated that they would supplement their brief with deposition excerpts when those excerpts became available. Plaintiffs hereby supplement their brief with those excerpts in the attached **Exhibit A**. Specifically, Plaintiffs respectfully highlight the following:

- Footnote 4 in Plaintiffs' reply states, "The litigation hold letter itself, however, only has 6 named recipients, and UTMB's corporate representative purportedly presented to testify about the date and scope of the litigation hold did not know if the hold was sent to anybody else, though this was a subject covered by Plaintiffs' 30(b)(6) notice." See **Exhibit A**, p. 126-128.

- On page 13 of Plaintiffs' reply brief, Plaintiffs discuss how although Plaintiffs noticed the 30(b)(6) deposition to obtain testimony of the agency, UTMB presented a witness that testified that he was *not* UTMB's witness on 6 of the 14 categories noticed and ordered by the Court. *See Exhibit A*, p. 11-19; p. 128-129, 134. The attorneys had a discussion about UTMB's failure to produce a witness on all 14 topics. *See Exhibit A*, 54-65; 128-135.
- The fees and expenses associated with the taking of the deposition and the drafting of this pleading are as follows:
 - \$5,707.41 associated with the deposition;
 - \$910 associated with this pleading. *See Exhibit B*.

Date submitted: June 10, 2014.

Respectfully submitted,

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By /s/ Jeff Edwards

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CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Northern District of Texas.

By /s/ Jeff Edwards
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